

REMARKS

Claims 1-4 and 6 are currently pending, of which claims 1 and 6 are independent. The following comments address all the stated grounds for rejection and place the presently claims as identified above, in condition for allowance. Applicants respectfully urge the Examiner to reconsider the outstanding rejections and to pass the application to allowance in view of the remarks set forth below.

Perfection of Priority Claim Under 35 U.S.C. § 119

Applicants enclose herewith an English language translation for the certified priority document filed on September 4, 2002 with the Japanese Patent Office. Also enclosed is a Verification of Translation from the translator who performed the English language translation. Accordingly, Applicants' right of priority is perfected in accordance with 37 C.F.R. § 1.55(a)(4).

Common Ownership

Applicants also enclose herewith a Statement of Common Ownership between Application Serial No. 10/656,481 and U.S. Patent Application Publication No. U.S. 2003/0003342 of Sugita *et. al.*

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. U.S. 2003/0003342 of Sugita *et. al.* (hereinafter "Sugita") in view of U.S. Patent No. 5,464,700 of Steck (hereinafter "Steck"). Applicants respectfully traverse each of these rejections on the basis of the following arguments and further contend that neither Sugita nor Steck, alone or in combination establish a *prima facie* case of obviousness with which to reject claims 1, 2 and 6.

Applicants hereby submit that based on the perfection of their priority claim under 35 U.S.C. § 119, the Sugita reference is disqualified as prior art under 35 U.S.C. § 102(a). Accordingly, Applicants contend the Sugita reference only qualifies as prior art under 35 U.S.C. § 102(e).

Applicants hereby request the Sugita reference be disqualified as prior art altogether based on the attached Statement concerning Common Ownership between the Sugita reference and the instant application. Accordingly, with the disqualification of the Sugita reference based on Common Ownership, the applied combination of Sugita in view of Steck does not detract from the patentability of claims 1, 2 and 6. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1, 2 and 6 under 35 U.S.C. § 103(a).

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugita in view of Steck and in further view of U.S. Patent Application Publication No. U.S. 2002/0119358 of Rock (hereinafter “Rock”).

For at least the reasons set forth above, Sugita is disqualified as prior art altogether. Accordingly, the combination of Sugita in view of Steck and in further view of Rock does not detract from the patentability of claims 3 and 4. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

Statement of Common Ownership

Application Serial No. 10/656,481 and U.S. Patent Application Publication No. U.S. 2003/0003342 were, at the time the invention of application Serial No. 10/656,481 was made, owned by, or subject to an obligation of assignment to, Honda Giken Kogyo Kabushiki Kaisha.

CONCLUSION

In view of the remarks set forth above, Applicants contend that Claims 1-4 and 6, presently pending in this application, are patentable, and in condition for allowance. If the Examiner deems there are any remaining issues, we invite the Examiner to call the undersigned at (617) 227-7400.

If any additional fee is due with this statement, please charge our Deposit Account No. 12-0080, under Order No. TOW-041RCE2, from which the undersigned is authorized to draw.

Dated: September 9, 2008

Respectfully submitted,

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